

# Washington, Friday, September 27, 1940

## The President

#### EXECUTIVE ORDER

CREATING THE DEFENSE COMMUNICATIONS
BOARD AND DEFINING ITS FUNCTIONS AND
DUTIES

#### Correction

Paragraph 6 of Executive Order 8546 (F.R. Doc. 40-4004, filed, September 24, 1940, at 3:49 p. m.), appearing in the issue of September 26, 1940, at page 3817, is corrected to read as follows:

"6. Except as otherwise instructed by the Board, committees appointed thereby shall have no power to make final disposition of any matter presented to them by the Board for study, but they shall express by written report their findings and recommendations. Minority reports may be submitted if deemed of sufficient importance to warrant further consideration by the Board."

#### Rules, Regulations, Orders

#### TITLE 7-AGRICULTURE

#### CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 34—REGULATIONS UNDER THE TO-BACCO SEED AND PLANT EXPORTATION ACT

By virtue of the authority vested in the Secretary of Agriculture by the Tobacco Seed and Plant Exportation Act (Public 543—76th Congress), I, Paul H. Appleby, Acting Secretary of Agriculture, do prescribe and promulgate the following regulations to be in force and effect immediately.

#### ADMINISTRATION

§ 34.1 Chief of Service. The Chief of the Agricultural Marketing Service is charged with the administration of the provisions of this Act and the regulations in this part.

#### PERMITS

§ 34.2 Permit required. No Tobacco seed or live tobacco plants may be exported from the United States or any Territory subject to the jurisdiction thereof to any foreign country, port, or place unless such exportation and/or transportation shall have been authorized in advance by a written permit of the Secretary of Agriculture countersigned by the Chief or Acting Chief of the Agricultural Marketing Service.

§ 34.3 Who may obtain permits. The Secretary of Agriculture will grant permits only where the consignee is an authorized government representative or agency engaged in conducting agricultural experiments in the course of scientific research. Exceptions will be made in the case of persons who are not government representatives only upon satisfactory evidence that they are engaged in scientific experimentation.

§ 34.4 Method of obtaining permits.

(a) Permits will be granted only upon a proper showing that the tobacco seed or plants are to be used for experimental numbers.

(b) Applications for permits shall show the following information:

(1) Name and address of exporter.

(2) Name, official title, and address of person to whom the seed or plants are to be consigned.

(3) If consignee is not a government official or agency, whether the proposed experiment is to be conducted in cooperation with or under the supervision of a government agency.

(4) Type and variety of seed or plants.

(5) Quantity of seed or plants to be exported.

(6) Nature of experiments to be conducted and objectives sought.

(7) Method of shipment proposed.(8) Port of exit or post office of mail-

(9) The intended date of exportation.

§ 34.5 Exceptions. Shipments of tobacco seed or plants originating in a foreign country and entering or leaving a

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port of the United States in transit through the territory of the United States to a foreign country will not require a permit under the terms of these regulations.

granted \_\_\_\_\_

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#### INSTRUCTONS TO SHIPPERS

§ 34.6 Marking packages. Packages or parcels containing tobacco seed or plants the exportation of which has been authorized shall be marked "Tobacco Seed and Plant Export Permit No. with the permit number inserted in the blank space.

§ 34.7 Shipments by mail. The permit must be filed by the consignor with the Postmaster at the office of mailing.

§ 34.8 Shipments by railway, ferry boat or vehicle. The permit must be filed with the Collector of Customs at the port from which the shipment is to be

§ 34.9 Shipments by seagoing vessel or airplane. The permit must be filed with the Collector of Customs at the port of lading on board the exporting vessel or airplane at least 24 hours before such departure; or in the case of shipment by a seagoing vessel, 24 hours before the lading of such vessel.

#### DISPOSITION OF USED PERMITS

§ 34.10 Procedure. Permits filed with postmasters and collectors of customs will be stamped or endorsed to show the place and date of filing, and should be mailed to the following address:

Tobacco Division. Agricultural Marketing Service, U. S. Department of Agriculture, Washington, D. C.

Done at Washington, D. C., this 26th day of September 1940. Witness my hand and the seal of the Department of Agriculture.

ISPAT. PAUL H. APPLEBY. Acting Secretary of Agriculture.

[F. R. Doc. 40-4023; Filed, September 26, 1940; 11:33 a. m.j

#### TITLE 10-ARMY: WAR DEPARTMENT

CHAPTER VI-ORGANIZED RESERVES

PART 63-REGULAR ARMY RESERVE 1

§ 63.9a Regular Army Reservist Book. (a) At the time of enlistment every Reservist will be furnished W.D., A.G.O. Form No. 190 (Regular Army Reservist Book) containing his name, Army serial number, grade, arm or service, military and civilian vocational qualifications, date and place of enlistment, home address, official orders to report to a designated place upon proper call to active duty, and a transportation request to provide transportation for the Reservist from his last officially reported home to the place to which he is ordered to report, and full instructions and information for the Reservist.

(b) Immediately upon discovery of the destruction, loss, or theft of the book, the Reservist will notify his corps area commander who will issue a new book completed from the information shown in W.D., A.G.O. Form No. 181 on file at corps area headquarters. (52 Stat. 221; 10 U.S.C. 343) [AR 155-5, Feb. 16, 1939, as amended by Cir. 105, W.D., Sept. 18, 19401

§ 63.10 Change of address. (a) Immediately upon making a permanent change of address, a member of the Regular Army Reserve will notify the commanding general of the corps area in which his last place of residence was located, stating both his old and new address. This report of change of address should be made on W.D., A.G.O. Form No. 182 (Report of Change of Address, Regular Army Reserve), or by letter, post card, or prepaid telegram.

(b) If the new place of residence reported is located within another corps area the Reservist will be notified by mail at his new address of the proper designation and address of the new corps area to which future communications and reports submitted by him should be sent, and directed to send his Regular Army Reservist Book to that headquarters for change in designation of place to which he will report when called to active duty. He will be furnished a penalty envelope for this purpose, properly addressed to the new corps area headquarters. If the new place of residence within the corps area requires a change in the designation of the place to which the Reservist will be ordered to report upon call to active duty. he will be instructed to submit his Regular Army Reservist Book to the corps area commander for entry of a new designation, and will be furnished an addressed penalty envelope for this purpose.

(c) When a member of the Regular Army Reserve departs from the United States or its possessions for other than a change of residence, he will report in writing to his corps area commander the date of departure, the country to be visited, his address while absent, and probable duration of his absence. If the contemplated absence is for a period of 4 months or longer, the Reservist will be discharged. (52 Stat. 221; 10 U.S.C. 343) [AR 155-5, Feb. 16, 1939, as amended by Cir. 105, W.D., Sept. 18, 19401

§ 63.11 Discharge before expiration. \*

(c) When a Reservist is discharged prior to the expiration of his term of service he will be required to send in his Regular Army Reservist Book to corps area headquarters for cancelation and destruction. (52 Stat. 221: 10 U.S.C. 343) [Par. 16, AR 155-5, Feb. 16, 1939, as amended by Cir. 105, W.D., Sept. 18,

# ACTIVE DUTY

§ 63.15a When called. In the event of an emergency declared by the President, all or any number of members of the Regular Army Reserve may be ordered to active duty, and they may thereafter be retained in active service in such numbers and for such periods of time as deemed desirable by the War Department, but not to exceed a period ending within 6 months after the President declares the emergency terminated. (52 Stat. 221; 10 U.S.C. 343) [Par. 22, AR 155-5, Feb. 16, 1939, as amended by Cir. 105, W.D., Sept. 18, 1940]

§ 63.15b How called. (a) Upon the declaration of an emergency by the President and call to active duty issued by public proclamation printed in newspapers and broadcast by radio or by the issuance of orders by the corps area commander pursuant to instructions from the War Department.

(b) Upon the issuance of the President's proclamation, members of the Regular Army Reserve will be required to report in person within 72 hours to the place designated by the corps area commander in the Regular Army Reservist Book, using the transportation request

<sup>1</sup> Part 63 is amended.

W.D., Q.M.C. Form No. 211 contained in employed at less than the minimum rate the book for securing the necessary transportation. (52 Stat. 221; 10 U.S.C. 343) [Par. 23, AR 155-5, Feb. 16, 1939, as amended by Cir. 105, W.D., Sept. 18, 1940]

E. S. ADAMS, Major General, The Adjutant General.

[F. R. Doc. 40-4020; Filed, September 26, 1940; 9:12 a. m.]

#### TITLE 29-LABOR

#### CHAPTER V-WAGE AND HOUR DIVISION

PART 522-REGULATIONS APPLICABLE TO THE EMPLOYMENT OF LEARNERS IN THE INDEPENDENT TELEPHONE INDUSTRY

The following Regulations-Part 522, §§ 522.081 to 522.090 (Regulations Applicable to the Employment of Learners in the Independent Telephone Industry). are hereby issued. These Regulations repeal and supersede all Regulations previously issued applicable to the employment of learners in the Independent Telephone Industry and shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER, and shall remain in force and effect until hereafter modified.

Signed at Washington, D. C. this 19th day of September 1940.

> BAIRD SNYDER, Acting Administrator.

§ 522.081 Issue of special certificates. Special Certificates authorizing the employment of learners at subminimum rates under terms herein set forth shall be issued to applicants in the Independent Branch of the Telephone Industry making application on forms furnished by the Wage and Hour Division when it appears that experienced workers are not available, providing that:

(a) The issue of a Special Certificate will create no unfair competitive labor cost advantage, and

(b) will not impair or depress working standards established for experienced commercial switchboard operators employed in the industry.

§ 522.082 Number of learners. Except under unusual circumstances, as stated in (b) below, the number of learners which may be employed in an exchange at any one time at a subminimum hourly wage under a Special Certificate may not exceed:

One in exchanges employing up to 8 operators, or

Two in exchanges employing 9-18 operators, or

Three in exchanges employing 19-30 operators, or

Four in exchanges employing 31-44 operators, or

In exchanges employing 45 or more operators learners in addition to 4 may be

in the ratio of one learner for each additional 15 operators employed in the exchange.

(b) If the applicant is faced with circumstances unusual to regular operations or with other exceptional circumstances which it is believed require learners in excess of those provided in (a) above, and if such facts are set forth as a part of an application, action shall be taken approving or denving that application pursuant to the provisions of § 522.5 B of the Regulations of the Wage and Hour Division.

§ 522.083 Learning period. The maximum learning period which may be provided under a Special Certificate issued in this industry shall not extend beyond the first 320 hours of employment in training for and in switchboard operation.

§ 522.084 Learner hourly rate. The minimum hourly rate to be provided in the Special Certificate for learners during the learning period shall be not less than 25 cents per hour.

§ 522.085 Duration of certificates. Special Certificates authorizing the employment of learners in accordance with § 522.082 (a) shall be valid for a period of one year unless sooner revoked for cause. Special Certificates authorizing the employment of learners in accordance with § 522.082 (b) shall be valid for a period not greater than that necessary to complete the training of the total number of additional learners required and may not be used for purposes of meeting regular labor turnover require-

§ 522.086 Provisions of learner certificates. All Special Certificates shall include, among other matters, the learner occupation; length of learning period; and rate set forth hereinabove; the definition of a learner; the purpose for which issued; the period during which the Certificate remains in effect; the requirement that the Certificate shall be posted continuously during its validity in a conspicuous place in the plant where the learners are to be employed; and a prohibition against the violation of any of the terms and conditions set forth in the Certificate.

§ 522.087 Revocation of special certificates. (a) Any Special Certificate may be cancelled if it is found that it is not necessary to prevent a curtailment of opportunities for employment. In the absence of fraud or misrepresentation learners already hired under a Special Certificate may be retained under the terms of the Certificate if the learning period extends beyond the date on which the Certificate has been cancelled.

(b) Any Special Certificate shall be cancelled as of the date of issue if it is found that the Certificate has been obtained by fraud or misrepresentation. When a Certificate has been obtained by fraud or misrepresentation the employer shall be liable to the employee for wages established by the Act as if no Certificate had been issued.

(c) Any Special Certificate shall be cancelled as of the first date of violation if it is found that any of its terms have been violated, and the employer shall be liable to those employed under such Certificate, from the date of violation, for wages established by the Act as if no Certificate had been issued.

§ 522.088 Notice of issuance or cancellation of special certificates. Notice of the issuance or cancellation of each Special Certificate pursuant to these Regulations shall be published in the FEDERAL REGISTER.

§ 522.089 Definitions. (a) The Independent Branch of the Telephone Industry as referred to herein includes only those companies which are engaged in the commercial operation of telephone exchanges and which are not owned or controlled by the American Telephone and Telegraph Company (Bell System) or its subsidiaries.

(b) Learners are persons who have had less than 320 hours of employment in the Telephone Industry as commercial switchboard operators.

(c) Experienced commercial switchboard operators are persons who have had not less than 320 hours of employment in the Telephone Industry as commercial switchboard operators. In order to be considered available such persons must be capable of equaling the performance of a worker of average or ordinary skill and experience.

§ 522.090 Records to be kept. The name of each learner and occupation in which each is employed shall be entered on the pay roll record of the exchange to which the Special Certificate is issued. The names of all persons employed as learners shall be listed together in a separate group on the pay roll record.

[F. R. Doc. 40-4027; Filed, September 26, 1940; 11:58 a. m.]

# TITLE 30-MINERAL RESOURCES CHAPTER III—BITUMINOUS COAL DIVISION

[General Docket No. 15]

ORDER WITH RESPECT TO MINIMUM PRICES AND MARKETING RULES AND REGULATIONS UNDER THE BITUMINOUS COAL ACT OF

Appropriate proceedings for the purpose of establishing effective minimum prices and marketing rules and regulations having been instituted pursuant to section 4 of the Bituminous Coal Act of 1937; and

The Director having made Findings of Fact and Conclusions of Law in this matter, and having issued an Order, dated August 8, 1940,1 establishing effective minimum prices, common consuming market areas in connection therewith, and effective marketing rules and regulations pursuant to section 4. Part II of said Act, such prices and marketing

<sup>15</sup> F.R. 2961.

rules and regulations to become effective on October 1, 1940, at 12:01 a. m.; and

Exceptions and supporting briefs having been filed with the Secretary of the Interior to the Findings of Fact, Conclusions, and Order of the Director; and the Secretary of the Interior having made and entered his Findings of Fact and Conclusions of Law in this matter:

It is ordered, That the effective minimum prices and marketing rules and regulations established by the Director which are to become effective at 12:01 a. m., October 1, 1940, are hereby modified as set forth in the Schedule of Modifications, annexed to and forming a part of this Order, and designated as Schedule A thereto; and that the effective minimum prices and marketing rules and regulations established by the Director, as thus modified, are hereby approved and adopted: and

It is further ordered, That the Market Areas established by the Director as common consuming market areas in connection with the effective minimum prices are hereby approved and adopted; and

It is further ordered, That said effective minimum prices and marketing rules and regulations, as so modified, shall be subject, however, to modification, alteration, addition, or any other change made from time to time in accordance with the provisions of said Act, of section 4 II (d) thereof, and of the rules and regulations issued pursuant thereto.

HAROLD L. ICKES, Secretary of the Interior. Dated, September 24, 1940.

SCHEDULE A-SCHEDULE OF MODIFICATIONS OF EFFECTIVE MINIMUM PRICES AND MAR-KETING RULES AND REGULATIONS

The provision contained in §§ 321.1 (a) (9), 322.1 (a) (9), 323.1 (a) (9), 324.1 (a) (9), 325.1 (a) (9), 326.1 (a) (9), 327.1 (a) (9), 328.1 (a) (9), 329.1 (a) (11), 330.8 (a) (9), 331.1 (a) (9), 332.1 (a) (11), 333.1 (a) (11), 334.1 (a) (9) 335.1 (a) (12), 336.1 (m), 337.1 (o), 338.1 (k), 339.1 (n), 340.1 (m), 342.1 (l), 343.1 (1), 321.21 (a) (6), 322.21 (a) (6), 323.21 (a) (6), 324.21 (a) (6), 325.21 (a) (9) 326.21 (a) (6), 327.31 (a) (6), 328.31 (a) (5), 329.21 (a) (5), 330.21 (a) (5), 331.21 (a) (5), 332.21 (a) (5), 333.21 (a) (7), 334.21 (a) (5), and 335.21 (a) (5) is amended to read as follows:

No code member shall evade or violate any of the price provisions of the Act, or any of the prices herein provided, by or through the use of docks or other storage facilities or transportation facilities. or by or through the use of subsidiaries, affiliated sales or transportation companies or other intermediaries or instrumentalities, or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof.

Where coal is sold by a code member f. o. b. a point other than transportation subsequent thereto shall be governed by of "Price Adjustments to FOB Mine

added to the applicable minimum f. o. b. mine price provided in this schedule an amount at least equal, as nearly as practicable to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation), from the transportation facilities at the mine to the point from which all such charges are assumed and directly paid by the purchaser. When the transportation, handling, or incidental transaction is not an arm's length transaction (for example, when trans-portation, dock or other facilities are either owned or controlled by the code member or its affiliates), the charge which shall be added shall be not less than the estimated actual cost of such transactions, arrived at in good faith in a reasonable manner; provided, however, that code members may make application to the Director of the Bituminous Coal Division for permission to add to the f. o. b. mine price a sum less than the estimated actual cost of such transactions, upon a showing that such is necessary to preserve existing fair competitive opportunities.

Doubtful situations, concerning the application of this Instruction to particular transactions, may be referred to the Director for a ruling.

§ 321.9 Special prices—(a) Railroad fuel prices. Change railroad fuel prices, except for central stations, for size groups 4 and 5, for all movements except via Lake Ontario ports from \$2.05 to \$1.95.

§ 323.7 General prices. Insert note (1 a) as follows: (1 a) Mines in freight origin group No. 10 shall add 13 cents per net ton to the prices shown above when shipped to destinations in Market Areas 6 and 8. The legend at the top of the table of prices appearing in this section, now reading "See note (1) below" is modified to read: See notes (1) and (1 a) below.

§ 327.1 (a) (12) This section, in which the term "industrial coal" is defined, is amended to read as follows:

The term "Industrial Coal" in this schedule means coal used in those industrial plants which buy and receive coal in carload quantities for their own use and which have physical railway or waterway connections for receiving coal; Provided, That any Code member or the Consumers' Counsel Division, on behalf of any consumer who regularly buys and receives coal in carload quantities for his own use in industrial plants which do not have physical railway or waterway connections for receiving coal, may file a petition with the Division requesting that the minimum f. o. b. mine prices established for "Industrial Coal" also apply to the coal thus purchased by said con-

Any such petition filed by a Code member or the Consumers' Counsel Division. as herein provided, and the procedure

facilities at the mine, there shall be the rules and regulations governing the procedure in respect to applications under section 4 II (d) of the Bituminous Coal Act of 1937.

> Any state or political subdivision of a state which is a consumer of such coal may, on its own behalf, file petitions such as those which a Code member or the Consumers' Counsel Division may file, as above provided.

> § 327.12 General prices for low volatile coals. All reference and notes to Market Areas 108 and 127 in Table headed Low Volatile Coal Prices in Cents Per Net Ton F. O. B. Mines for Shipments by Railway for All Uses Except as Separately Shown and for Delivery Into Market Areas, 4 to 50, Incl.; 52 to 78, Incl.; 101, 102, 103, 104, 106; 108 to 118, Incl.; 120 to 137, Incl.; 139 to 143, Incl.; 145 to 148. Incl.; 150 to 157, Incl.; 200 to 254, Incl., are deleted from the Schedule of Effective Minimum Prices for District 7, and the prices for Size Groups 8, 9, and 10, are reduced 5 cents per ton for movement into these Market Areas.

> § 327.22 General prices for high volatile coals. The prices for 3/8" screenings (Size Group 22) are deleted in Table headed High Volatile Coal Prices in Cents per Net Ton F. O. B. Mines for Shipments by Railway for All Uses Except as Separately Shown and for Delivery via Tidewater to the Ports of New England.

> § 328.1 (a) (12) This section, in which the term "industrial coal" is defined, is amended to read the same as § 327.1 (a) (12) as amended.

> § 328.12 General prices for high volatile coals. The prices for 3/8" screenings (Size Group 22) are deleted in Table headed High Volatile Coal Prices in Cents per Net Ton F. O. B. Mines for Shipments by Railway for All Uses Except as Separately Shown and for Delivery Via Tidewater to the Ports of New England.

> § 328.22 General prices for low volatile coals. All references and notes to Market Areas 108 and 127 in Table headed Low Volatile Coal Prices in Cents per Net Ton F. O. B. Mines for Shipments by Railway for All Uses Except as Separately Shown and for Delivery Into Market Areas 4 to 50, Incl; 52 to 78, Incl; 101, 102, 103, 104, 106, 108 to 118, Incl; 120 to 137, Incl; 139 to 143, Incl; 145 to 148, Incl; 150 to 157, Incl.; 200 to 254, Incl., are deleted from the Schedule of Effective Minimum Prices for District 8, and the prices for Size Groups 8, 9, and 10, are reduced 5 cents per ton for movement into these Market Areas.

> § 329.1 (a) (9). This section, in which the term "industrial coal" is defined, is amended to read the same as § 327.1 (a) (12) as amended.

> § 330.5 Description of sizes. Under the description of lump coals delete the words "Top Size" and "Bottom Size".

§ 330.9 General prices. In the table

No. 40", in the column headed "No. 3" change the "0" opposite "Federal" to "+20"

§ 330.10 (a) (2) Prices for railroad locomotive fuel. Producer "Blanchard, Townsend (Home Coal Company), Victory mine" correct to read: "Blanchard, Townsend (Blanchard Coal Co.), Interstate 43 mines." Producer "Midwest Smokeless Fuel Corporation, Midwest Smokeless mine" correct to read: "Midwest-Radiant Corporation, Midwest Mine." Producer "Peabody Coal Co., Carter Process Plant, Mine Index Number 27" correct exceptions to read as follows: "1-B, 2-B, 3-A, 4, 30, 31, 32, 47."

§ 330.10 (b) (2) Prices for river (free alongside) to all market areas (except for railroad locomotive fuel). The prices of the Belleville and Southern Illinois Price Groups are changed to correspond to prices for such Price Groups for rail shipment into Market Area 40.

§ 330.23 Description of size groups. Under description of lump coals, delete the words "Top Size" and "Bottom Size." § 332.21 (b) (5). Delete this section.

§ 333.1 (b) (9). In Price Exception No. 9, Seasonal Discounts, add Size Group

Size Group 6 appears.

§ 333.2 Description of size groups. Cancel footnote 1 and substitute in lieu thereof the following:

"1 Note.—See § 333.1 (a) (9) and (10) for definition of Industrial and Domestic coals."

§ 333.6 General prices. For Mine Index No. 5 in Size Group 22, in Table headed "Prices F. O. B. Mines for Shipment by Railroad, Applicable for All Uses Except Railroad Locomotive Fuel, Steamship Bunker Fuel and Blacksmithing for All Destinations in Market Areas Nos. 117-121-122-123-124-147, That Portion of 150 Located in Alabama, and Any Market Areas Not Specifically Listed in This Schedule", delete price 265 and insert in lieu thereof 260.

§ 333.1 (a) (9); § 333.21 (a) (9); § 333.31 (a) (5); § 333.41 (a) (5). These sections, in which the term "industrial coal" is defined, are amended to read the same as § 327.1 (a) (12) as amended.

§ 337.21 General prices. Code Member-Estes, Richard H.-North Canyon Mine, Mine Index No. 266, Sub-District No. 18; delete the prices shown for this code member and substitute the following prices:

Size groups----- 2 3 4 5 9 10 13 17 Prices------- 440 425 425 400 375 225 140 300 9 10 13

tions. (q)1 Minimum prices in § 339.5 for Sub-District No. 1 Kemmerer, Sub-District No. 2 Rock Springs, and for Sub-District No. 3 Hanna-Rawlins, for coals contained in Size Group Nos. 15 and 16, for shipment into Market Areas Nos. 77, 202, 203, 204, 205, and 206, shall be reduced 15¢ per net ton.

§ 342.5 General prices. Change "Sub-District No. 4-Lewiston" to read "Sub-District No. 4-Lewistown." In the section headed "Sub-District No. 12-Valier", add "Note: These prices apply only to Elder, A. C." In the section headed "Minimum F. O. B. Mine Prices in Cents Per Net Ton for Railroad Locomotive Fuel" change "Northwest Improvement Co." to read "Northwestern Improvement Co."

### Part 318

§ 318.4 (a). This section is amended to read as follows:

Prior to November 15, 1940, no Code Member or Sales Agent of the Code Member or Distributor shall enter into any agreement or order for the sale of coal providing for delivery for a period in excess of that authorized for a spot order, and no prices shall be less than the applicable minimum prices in effect at the time of the delivery of the coal thereunder: Provided, That contracts for periods not exceeding one (1) year may be made with agencies of the Federal Government or with agencies of State or local governments: And provided further, That contracts may be made providing

§ 339.1 Price instructions and excep- | for delivery for a period in excess of that authorized for a spot order upon special permission and approval of the Division. upon a showing of the necessity of meeting the long term competition of oil, gas, or other forms of fuel and energy, or for such other reasons as the Division may deem appropriate in order to further the effectual administration of the Act

> § 318.6 Contracts. The introductory paragraph of this section is amended to read as follows: Upon and after November 15, 1940, Code Members or Sales Agents of Code Members or Distributors may enter into contracts for the sale and delivery of coal upon the following terms and conditions:

> § 318.13 (a). Insert "river ports" after "tidewater ports" in this section.

> [F. R. Doc. 40-4031; Filed, September 26, 1940; 12:01 p. m.]

TITLE 32-NATIONAL DEFENSE

CHAPTER VI-COUNCIL OF NA-TIONAL DEFENSE

ORDER ESTABLISHING THE HEALTH AND MEDICAL COMMITTEE

Pursuant to the authority vested in it by section 2 of the Act of August 29, 1916 (39 Stat. 649), the Council of National Defense, with the approval of the President, hereby establishes as a subordinate body to the Council a committee to be known as the Health and Medical Committee. The Committee shall consist of the following members: Dr. Irvin Abell,

Prices at Destinations in Market Area | 7 in first, second, and fourth boxes where | who shall be Chairman, the Surgeon General of the Army, the Surgeon General of the Navy, the Surgeon General of the Public Health Service, and the Chairman of the Division of Medical Sciences of the National Research Council. Vacancies occurring in the membership of the Committee shall be filled by appointment by the Council with the approval of the President. The members of the Committee and of such subcommittees as may be formed by the Committee shall serve as such without compensation but shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of their

> It will be the responsibility of the Committee to advise the Council of National Defense regarding the health and medical aspects of National Defense and to coordinate health and medical activities affecting national defense. In carrying out its functions, the Committee may (a) utilize, to the extent that such facilities are available for such purpose. the laboratories, equipment and services of the Medical Departments of the Army and Navy, of the Public Health Service. and of other Government institutions; and (b) within the limits of the appropriations allocated to it, to contract with and transfer funds to such institutions, and to enter into contracts and agreements with individuals or educational or scientific institutions for studies, experimental investigations and reports.

> The Committee shall promulgate rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the Council and the President.

> > HENRY L. STIMSON, Secretary of War. FRANK KNOX. Secretary of the Navy. HAROLD L. ICKES, Secretary of the Interior. CLAUDE R. WICKARD, Secretary of Agriculture. JESSE H. JONES, Secretary of Commerce. FRANCES PERKINS. Secretary of Labor.

Approved:

FRANKLIN D ROOSEVELT The White House. SEPTEMBER 19, 1940.

[F. R. Doc. 40-4025; Filed, September 26, 1940; 11:50 a. m.]

# TITLE 47—TELECOMMUNICATION

CHAPTER I-FEDERAL COMMUNICATIONS COMMISSION

PART 3-RILES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

BROADCASTS OF COMMERCIAL PROGRAMS UNDER EXPERIMENTAL AUTHORIZATIONS

The Commission on September 24, 1940, advanced the effective date of

<sup>&</sup>lt;sup>1</sup> This is a new provision.

§ 3.32 (b), which prohibits broadcasting of commercial programs under experimental authorizations, from October 1, 1940, to March 29, 1941.

By the Commission.

[SEAL]

T. J. SLOWIE, Secretary.

[F. R. Doc. 40-4024; Filed, September 26, 1940; 11:34 a. m.]

#### Notices

#### DEPARTMENT OF COMMERCE.

Civil Aeronautics Authority.
[Dockets No. 196, 9-401(B)-4, 368]

IN THE MATTER OF THE APPLICATIONS OF BRANIFF AIRWAYS, INC.; EASTERN AIR LINES, INC.; CHICAGO AND SOUTHERN AIR LINES, INC.; FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938

#### NOTICE OF ORAL ARGUMENT

The above-entitled proceeding, being the applications of Braniff Airways, Inc., Eastern Air Lines, Inc., and Chicago and Southern Air Lines, Inc., for certificates of public convenience and necessity authorizing air transportation between Memphis, Tenn., Springfield, Mo., and Kansas City, Mo., is assigned for oral argument before the Board on October 3, 1940, 10 o'clock a. m. (Eastern Standard Time) in Room 5044 Commerce Building, Washington, D. C.

Dated Washington, D. C., September 24, 1940.

By the Civil Aeronautics Board.

[SEAL]

THOMAS G. EARLY, Acting Secretary.

[F. R. Doc. 40-4021; Filed, September 26, 1940; 9:12 a. m.]

#### DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFI-CATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Millinery Learner Regulations, Custom Made, August 29, 1940 (5 F.R. 3392).

Millinery Learner Regulations, Popular Priced, August 29, 1940 (5 F.R. 3393).

Knitted Wear Order, October 24, 1939 (4 F.R. 4351).

Textile Order, November 8, 1939 (4 F.R. 4531) as amended, April 27, 1940 (5 F.R. 1586).

Glove Order, February 20, 1940 (5 F.R. 714).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective September 27, 1940. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificate. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS, AND EX-PIRATION DATE

Aberdeen Hosiery Mills, Inc., Aberdeen, North Carolina; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

Artex Hosiery Mills, Pennsburg, Pennsylvania; Hosiery; Full-Fashioned; 4 learners; September 27, 1941.

Auburn Hosiery Mills, Auburn, Kentucky; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

Barber Hosiery Mills, Mount Airy, North Carolina; Hosiery; Seamless; 5 percent; September 27, 1941.

Black Hosiery Mills, Midland, North Carolina; Hosiery; Seamless; 5 learners; September 27, 1941.

Browning Hosiery Mills, Bridgeport, Alabama; Hosiery; Seamless; 5 percent; September 27, 1941.

C. & M. Hosiery Mills, Inc., Baltimore, Maryland; Hosiery; Seamless; 5 learners; September 27, 1941.

Cambridge Hosiery Mills, Inc., Cambridge, Maryland; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

Carmichael Hosiery Mill, McDonough, Georgia; Hosiery; Seamless; 5 learners; September 27, 1941.

Chestertown Hosiery, Inc., Chestertown, Maryland; Hosiery; Full-Fashion; 5 learners; September 27, 1941.

Damascus Hosiery Mills, Inc., Damascus, Virginia; Hosiery; Seamless; 5 learners; September 27, 1941.

John B. Davidson Woolen Mills, Inc., Eaton Rapids, Michigan; Hosiery; Seamless; 5 learners; September 27, 1941.

Doster Hosiery Mill, Milton, Delaware; Hosiery; Full-Fashioned; 5 learners; September 27, 1941. Egg Harbor Knitting Mills, Inc., Egg Harbor, New Jersey; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

Gastonia Full-Fashioned Hosiery Mill, Gastonia, North Carolina; Hosiery; Full-Fashioned; 5 percent; September 27, 1941.

Harriss & Covington Hosiery Mills, Inc., 308 Oak Street, High Point, North Carolina; Hosiery; Seamless; 5 percent; September 27, 1941.

Hazel Knitting Mills, Inc., Burlington, North Carolina; Hosiery; Full-Fashioned; 4 learners; September 27, 1941.

Hollar Hosiery Mills, Inc., Hickory, North Carolina; Hosiery; Seamless; 5 learners; September 27, 1941.

Maryon Hosiery Mill, 12 Aycock Street, Carrollton, Georgia; Hosiery; Seamless; 7 learners; May 27, 1941.

Maryon Hosiery Mill, 12 Aycock Street, Carrollton, Georgia; Hosiery; Seamless; 5 percent; September 27, 1941.

Jackson Hosiery Mill, Jackson, Missouri; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

L'Opera Hosiery Mills, Inc., Glassboro, New Jersey; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

M. & S. Hosiery Mill, Fort Atkinson, Wisconsin; Hosiery; Full-Fashioned; 3 learners; September 27, 1941.

Marlow Hosiery Mill, Hickory, North Carolina; Hosiery; Seamless; 2 learners; September 27, 1941.

Marvin Carr Silk Mill, Durham, North Carolina; Hosiery; Full-Fashioned; 5 percent; September 27, 1941.

Merrill Hosiery Company, Friendship, New York; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

Merrill Hosiery Company, Hornell, New York; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

Millville Hosiery Company, Millville, New Jersey; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

Milne Hosiery Mills, Cleveland, Tennessee; Hosiery; Seamless; 5 learners; September 27, 1941.

Murray Hosiery Mills, Inc., Murray, Kentucky; Hosiery; Seamless; 5 percent; September 27, 1941.

Myrna Lee Hosiery Mills, Inc., Towanda, Pennsylvania; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

No Mend Hosiery Inc., Lebanon, Pennsylvania; Hosiery; Full-Fashioned; 5 percent; September 27, 1941.

Pasquotank Hosiery Company, Elizabeth City, North Carolina; Hosiery; Seamless; 5 percent; September 27, 1941.

Peerless Hosiery Mills, Inc., Anthony Street, Burlington, North Carolina; Hosiery; Seamless; 5 learners; September 27, 1941.

Penn-Carol Hosiery Mills, Inc., Concord, North Carolina; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

<sup>15</sup> F.R. 2689.

Portage Hosiery Company, 107 East Mullett Street, Portage, Wisconsin; Hosiery; Seamless; 5 percent; September

Prim Era Hosiery Mills, Inc., Chester, Illinois; Hosiery; Full-Fashioned; 5 percent; September 27, 1941.

Ragan-Parker Knitting Company, Ellerbe, North Carolina; Hosiery; Seamless; 5 learners; September 27, 1941.

The Robbins Knitting Company, Spruce Pine, North Carolina; Hosiery; Seamless; 5 percent: September 27, 1941.

S. & F. Hosiery Mills, Inc., Dayton, Tennessee; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

Samalto Hosiery Mills, Perkasie, Pennsylvania; Hosiery; Full-Fashioned; 2 learners; September 27, 1941.

Schuylkill Valley Mills, Inc., Spring City, Pennsylvania; Hosiery; Full-Fashioned: 5 percent: September 27, 1941.

Summers Hosiery Mills, Inc., Salisbury, North Carolina; Hosiery; Seamless; 5 learners; September 27, 1941.

Sussex Hosiery Mills, Laurel, Delaware; Hosiery; Full-Fashioned; 5 learners; September 27, 1941.

A. W. Wheeler & Son, Inc., Brevard, North Carolina; Hosiery; Full-Fash-ioned; 5 percent; September 27, 1941.

American Underwear Manufacturing Company, Inc., 333 Hamilton Street, Allentown, Pennsylvania; Apparel; Men's Underwear & Shorts; 5 learners (75% of the applicable hourly minimum wage); September 27, 1941.

Ashley Shirt Corporation, Branford, Connecticut; Apparel; Shirts; 5 percent (75% of the applicable hourly minimum wage); September 27, 1941.

S. & B. Manufacturing Company, Inc. 26 Canfield Street, Orange, New Jersey; Apparel: Ladies' Wash Frocks; 3 learners (75% of the applicable hourly minimum wage); September 27, 1941.

Brookhaven Manufacturing Corporation, Brookhaven, Mississippi; Apparel; Trousers, Jackets, Mackinaws; 5 percent (75% of the applicable hourly minimum wage); September 27, 1941.

Buffalo Faultless Pants Company, Inc., 133-135 S. Division Street, Buffalo, New York; Apparel; Trousers; 50 learners (75% of the applicable hourly minimum wage); January 24, 1941.

Cagan Manufacturing Company, Inc., 326 W. Michigan Street, Duluth, Minnesota; Apparel; Men's, Women's & Chil-Outdoor Sportswear-Chiefly Woolen; 20 learners (75% of the applicable hourly minimum wage); January 24, 1941.

Cape Ann Manufacturing Company, Inc., 31 Commercial Street, Gloucester, Massachusetts; Apparel; Boys' Woolen and Sheeplined Mackinaws; 5 percent (75% of the applicable hourly minimum wage); September 27, 1941.

Parkhurst Street, Lebanon, New Hamp- nia; Apparel; Dress Shirts; 5 percent shall Street, New Bedford, Massachu-

Pocomoke Textiles Inc., Pocomoke shire; Apparel; Ski Jackets, Ski Pants, City, Maryland; Hosiery; Full-Fashioned; 5 learners; September 27, 1941. 5 learners (75% of the applicable hourly Keystone Coat and Apron Manufacminimum wage); September 27, 1941.

R. M. Crouthamel, Incorporated, Third Street, Perkasie, Pennsylvania; Apparel; Men's Trousers; 5 percent (75% of the applicable hourly minimum wage); September 27, 1941.

Every Buddy's Blouse Company, 720 Twelfth Street, Union City, New Jersey; Apparel; Boys' Shirts and Blouses: 5 learners (75% of the applicable hourly minimum wage); September 27, 1941.

Herman Fishman and Company, 521 Vine Street, Philadelphia, Pennsylvania; Apparel; Boys' Washable Suits; 5 learners (75% of the applicable hourly minimum wage); September 27, 1941.

Franklin Manufacturing Company, 175 Lincoln Street, Manchester, New Hampshire; Apparel; House Dresses; 30 learners (75% of the applicable hourly minimum wage); January 24, 1941.

G. & R. Garment Manufacturing Company, Inc., 1123 Washington Avenue, St. Louis, Missouri; Apparel; Ladies' Underwear; 20 learners; (75% of the applicable hourly minimum wage); January 31,

Hagerstown Manufacturing Company, Inc., Summit Avenue, Hagerstown, Maryland; Apparel; Children's Dresses; learners (75% of the applicable hourly minimum wage); September 27, 1941.

Harvard Trouser Company, Hillsdale, Michigan: Apparel: Trousers: 5 learners (75% of the applicable hourly minimum wage): October 1, 1941.

Her Majesty Underwear Company, 314 W. 13 Street, Philadelphia, Pennsylvania; Apparel; Ladies' and Children's Slips; 5 percent (75% of the applicable hourly minimum wage); September 27, 1941.

Hershey Garment Company, Paradise, Pennsylvania: Apparel; Women's Slips, Nightgowns, and Dancettes; 20 learners (75% of the applicable hourly minimum wage); January 24, 1941.

Hirsch-Weis Manufacturing Company 67 W. Burnside Street, Portland, Oregon: Apparel; Work Clothing; 5 percent (75% of the applicable hourly minimum wage); September 27, 1941.

The Holbrook Corporation, 34 Meadow Street, New Britain, Connecticut; Apparel; Men's Shirts; 5 percent (75% of the applicable hourly minimum wage); September 27, 1941.

Hutchins Manufacturing Company, Inc., Lithonia, Georgia; Apparel; Wash Dresses: 36 learners (75% of the applicable hourly minimum wage); January 24, 1941.

J. G. Sportswear, 129 W. 3rd Street, Los Angeles, California; Apparel; Women's Slack Suits; 5 learners (75% of the applicable hourly minimum wage); September 27, 1941.

I. Janov-Abeles Shirt Company, 489 Carter and Churchill Company, 15 W. Broad Street, Hazleton, Pennsylva-

turing Corporation, 315 N. 12th Street, Philadelphia, Pennsylvania; Apparel; Cotton Washable Service Apparel-Uniform and Kindred Products; 20 learners (75% of the applicable hourly minimum wage); January 24, 1941.

Lemonde Corset Company, 902 Lapeer Street, Saginaw, Michigan; Apparel; Corsets, Girdles, Combinations, and Brassieres: 5 learners (75% of the applicable hourly minimum wage); September 27, 1941.

LeNore Garments, Inc., 325 W. Adams Street, Chicago, Illinois: Apparel: Ladies' and Children's Staple and Novelty Pinafores; 5 learners (75% of the applicable hourly minimum wage): September 27, 1941.

LeRoy Shirt Company, 11 Chestnut Street, South Norwalk, Connecticut; Apparel; Shirts, Shorts, Polo Shirts; 10 learners (75% of the applicable hourly minimum wage); January 24, 1941.

Lin-Dol Dress Company, 226 S. 11th Street, Philadelphia, Pennsylvania; Apparel; Children's Dresses; 2 learners (75% of the applicable hourly minimum wage); September 27, 1941.

Maiden Form Brassiere Company, Inc., 154 Avenue E., Bayonne, New Jersey: Apparel; Brassieres & Foundation Garments; 30 learners (75% of the applicable hourly minimum wage); September 27. 1941.

Leonard Moonblatt, 4900 Longshore Street, Philadelphia, Pennsylvania; Apparel; Ladies' Blouses and Dresses; 6 learners (75% of the applicable hourly minimum wage); January 24, 1941.

New Era Shirt Company, 901 Lucas Avenue, St. Louis, Missouri; Apparel; Men's Dress Shirts; 5 percent (75% of the applicable hourly minimum wage); September 27, 1941.

Parkley Shirt Company, Inc., 352 Myrtle Avenue, Bridgeport, Connecticut; Apparel; Men's Dress Shirts; 5 percent (75% of the applicable hourly minimum wage); October 1, 1941.

Progressive Coat and Apron Manufacturing Company, 10th and Norris Streets, Philadelphia, Pennsylvania; Apparel; Washable Service Apparel; 5 percent (75% of the applicable hourly minimum wage); September 27, 1941.

Rock Hall Manufacturing Company, Rock Hall, Maryland; Apparel; Dress Shirts; 5 learners (75% of the applicable hourly minimum wage); October 1, 1941.

H. H. Rosinsky & Company, 123 N. 5th Street, Philadelphia, Pennsylvania; Apparel; House Dresses; 2 learners (75% of the applicable hourly minimum wage); September 27, 1941.

Sharp Brothers, 121 N. 7th Street, Philadelphia, Pennsylvania; Apparel: Boys' Pants and Lumberjack Sets; 5 learners (75% of the applicable hourly minimum wage); September 27, 1941.

F. Silverman and Sons, Inc., 85 Cogge-

Dresses: 15 learners (75% of the applicable hourly minimum wage); January

Susquehanna Waist Company, 1326 Vine Street, Philadelphia, Pennsylvania; Apparel: Ladies' Blouses & Sportswear; 5 learners (75% of the applicable hourly minimum wage); September 27, 1941.

Tiny Grace Frocks, I & Ontario Streets, Philadelphia, Pennsylvania; Apparel; Children's Cotton Dresses; 5 percent (75% of the applicable hourly minimum wage); September 27, 1941.

Jack Tobin, West Deptford Township, Mantua, New Jersey; Apparel; Children's Cotton Dresses; 5 percent (75% of the applicable hourly minimum wage); September 27, 1941.

Jack Tobin, 3rd & Somerset Streets, Philadelphia, Pennsylvania; Apparel; Children's Cotton Dresses; 5 percent (75% of the applicable hourly minimum wage); September 27, 1941.

Triangle Raincoat Company, Inc., 461 E. Federal Street. Youngstown, Ohio; Apparel; Raincoats and Snowsuits; 5 percent (75% of the applicable hourly minimum wage): September 27, 1941.

United Sheeplined Clothing Company, 273 Branchport Avenue, Long Branch, New Jersey; Apparel; Leather and Sheeplined Garments; 5 learners (75% of the applicable hourly minimum wage); September 27, 1941.

Wilkes Sportswear Incorporated, 169 S. State Street, Wilkes-Barre, Pennsylvania; Apparel; Dresses; 50 learners (75% of the applicable hourly minimum wage); December 10, 1940.

H. B. Hat Company, Inc., 206 Globe Mills Avenue, Fall River, Massachusetts: Popular-Priced Millinery; 1 learner, March 27, 1941.

Beneeda Bedspread Company, 137 Providence Street, Putnam, Connecticut; Textile: Bedspreads, Ladies' Beachwear & Housecoats: 10 learners; March 14.

Greentex Corporation, 120 East Fisher Street, Salisbury, North Carolina; Textile: Chenille Bedspreads; 30 learners; March 14, 1941.

Raeford Mills, Inc., Raeford, North Carolina; Textile; Cotton Yarns; 2 learners; May 27, 1941.

South Hill Industries, Inc., South Hill, Virginia: Textile: Cotton, Silk, & Rayon; 12 learners; December 27, 1940.

Gutmann-Mayer Glove Corporation, 116 Nassau Street, Brooklyn, New York; Glove; Knit Fabric Gloves; 2 learners; September 27, 1941.

Signed at Washington, D. C., this 26th day of September 1940.

> MERLE D. VINCENT. Authorized Representative of the Administrator.

[F. R. Doc. 40-4026; Filed, September 26, 1940; 11:58 a. m.]

SION.

[Docket No. 28550]

REDUCED RATINGS IN EXCEPTIONS, SOUTHERN CLASSIFICATION

[Docket No. MC-C 210]

REDUCED RATINGS IN EXCEPTIONS, SOUTHERN MOTOR CARRIERS

NOTICE TO PARTIES OF RECORD IN THE ABOVE ENTITLED PROCEEDING, AND TO THE PUBLIC

SEPTEMBER 25, 1940.

As a preliminary to formal hearings in the above-entitled proceedings, it appears to be desirable to hold an informal conference with counsel for the respondents and interested persons who anticipate appearing at the hearings. It is desired, by such informal conference, in advance of the setting of any dates for formal hearings, to endeavor to develop more clearly what matters are in issue, and what particular phases of the general subjects designated in the orders of investigation shall be first explored. It will be desirable to discuss informally the general character of factual matters which should be developed upon the record, and how such matters may best be shown. It is thought that such a preliminary conference might give direction to the studies and research of the interested parties, so that upon the subsequent formal hearings a better record of matters necessary and proper for consideration by the Commission may be made with a minimum of lost motion and inclusion of irrelevant and immaterial matter, while, at the same time, assuring proper consideration shall be given to all matters which are important for consideration. It is, of course, not the thought that any decision can be reached upon the questions themselves, or others which will suggest themselves, upon the basis of the informal conference.

With respect to the procedure, it is desirable to come to some understanding, if possible, and after a full exchange of views, with respect to the time and places for formal hearings, whether the parties in interest can so organize themselves that they will be able to simplify and consolidate their presentations as far as possible; to reach an understanding as to the steps which are feasible for a limitation of the number of witnesses, the distribution to the parties of proposed exhibits and of prepared statements of fact; and of matters within the files of the Commission or other public documents which may be made available for the record without formal proof.

It should be emphasized that the prehearing conference contemplated must be conducted in an atmosphere of complete candor and freedom of expression. with the intent on the part of all con-

setts; Apparel; Infants' & Children's | INTERSTATE COMMERCE COMMIS- | cerned to endeavor to simplify and shorten a proceeding which will, at the very best, be long and laborious. All concerned should enter the conference with the express understanding that neither can they take advantage of the fact that a statement or concession is made by any other party, either in this or in any other proceeding before the Commission or elsewhere, nor that any advantage can be taken by such other parties of anything which they may say. In other words, the conference, being in the way of peace, is to be regarded as privileged. An exception must be recognized where the basis for a stipulation is reached. A record will be made for the convenience of the Commission and the parties, but only for that purpose, and the ultimate decision of the Commission will, as the law requires, be based upon the record developed in the open hearings.

As it is probable not all who would desire to participate in such a conference can attend, the Commission will receive informally, under like conditions with those mentioned in the preceding paragraph, any written communications upon these subjects, which should be prepared in the form outlined in Rule XXI of the Rules of Practice, and filed with the Commission not later than three days before the date set for the conference. It is desirable that 20 copies be furnished for the use of the Commission, and 50 copies for the use of other parties and interested

The conference will be held at the Atlanta Biltmore Hotel, Atlanta, Georgia, commencing at 10:00 a. m., October 17,

By the Commission, Division Two.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 40-4028; Filed, September 26, 1940; 11:59 a. m.

[No. 28300]

CLASS RATE INVESTIGATION, 1939 [No. 28310]

CONSOLIDATED FREIGHT CLASSIFICATION

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 23d day of September, A. D. 1940.

Upon consideration of the records in the above-entitled proceedings, and of the order by division 2 of January 9, 1940, as modified,1 in so far as said order fixes October 1, 1940, for compiling the information described therein regarding shipments made on certain days; and good cause appearing therefor;

It is ordered, That the date fixed in said order for compiling the information

<sup>1 5</sup> F.R. 3386.

described therein be, and it is hereby, extended to December 1, 1940.

By the Commission, division 2.

[SEAL]

W. P. BARTEL, Secretary.

(F. R. Doc. 40-4029; Filed, September 26, 1940; 11:59 a. m.

[Docket No. 28300] CLASS RATE INVESTIGATION, 1939 [Docket No. 28310] CONSOLIDATED FREIGHT CLASSIFICATION [Docket No. MC-C 150]

MOTOR FREIGHT CLASSIFICATION

Notice to Parties of Record in the Above Entitled Proceeding, and to the Public

SEPTEMBER 25, 1940.

As a preliminary to formal hearings in the above-entitled proceedings, it appears to the Commission that it will be desirable to hold an informal conference with counsel for the respondents and interested persons who anticipate appearing at the hearings. It is desired, by such informal conference, to endeavor to develop more clearly what matters are in issue, and what particular phases of the general subjects designated in the orders of investigation shall be first explored. It will be desirable to discuss informally the general character of factual matters which should be developed upon the record, and how such matters may best be shown. It is thought that such a preliminary conference might give direction to the studies and research of the interested parties, so that upon the subsequent formal hearings a better record of matters necessary and proper for consideration by the Commission may be made with a minimum of lost motion and inclusion of irrelevant and immaterial matter, while, at the same time, assuring proper consideration shall be given to all matters which are important for consideration.

Consideration should be given to the questions stated below, not with the thought that the informal discussion will afford a basis for their ultimate decision, but that an interchange of expression may indicate the opinions of counsel as to their importance, at what stage of the formal proceeding they should be developed, and how and by whom they should be presented, and what the sources should be for the Commission's becoming informed. The matters indicated are to be taken as suggestive, and not restrictive, and other like matters may be brought up by anyone concerned.

1. At what stage of the proceeding should the record be made to show the results of a traffic study; before consideration is given to the fundamental questions of classification construction, so that the questions as to classification may be considered in the light of a more or less full and detailed analysis of the traffic of the country, or, after considera-

classification or classifications, with a view to ascertaining the effect?

2. The outstanding order of the Commission which calls for traffic information, entered January 9, 1940, has been found to be impracticable in certain respects, and pending further study of it. the effectiveness of the order has been deferred from time to time so that the time and expense necessarily involved in the end shall be applied to best advantage. It now stands suspended until December 1, 1940. The Commission has before it two drafts of a proposed order 1 to take the place of the outstanding order of January 9, 1940, which are reproduced as annexes to this notice. It will be observed that one embraces all traffic, carload and less-than-carload, but calls for more detailed information as to class-rate traffic than for bulk commodities, such as coal, grain, and lumber, which generally move on commodity rates, while the other is confined to less than carload traffic. Considering both the time and expense involved, and the utility when compiled, should an order of the character of either of these drafts be promulgated; is so, which order is preferable, and what modifications, if any, are desirable?

3. To what extent will the development of the record be facilitated if the staff of the Commission shall make available for the record such cost of service studies, recommendations as to classification, and class-rate scales, as studies of the staff shall indicate to them as proper for consideration, in the same manner that reports of the Bureaus of the Commission are now employed in railway reorganization proceedings under section 77 of the Uniform Bankruptcy Act?

4. The following are among the questions which will inevitably require consideration:

(a) Whether class-rate scales shall be provided for both carload and less than carload traffic, or separate scales for each; the number of classes; their gradation: their relation between themselves:

(b) Whether treatment shall be regional or nation-wide, and how and to what extent regional differences shall be reflected in the scales;

(c) The basis for construction of interterritorial scales:

(d) Whether the existing distinction between carload and less than carload traffic shall be replaced by some other. such as carload and merchandise. If the latter, where should the distinction be made?

(e) The propriety of quantity classrates above or below the customary carload minima, or of class-rates varying with quantity, weight, space occupied, or revenue derived.

(f) Should quantity rates as above mentioned if recognized, be standardized and given some degree of uniformity

tion has been given to the nature of a | throughout the territories; and should they be considered as within the field of classification or commodity rate-making? If they are to be treated as matters of classification, should they be treated by specific rule providing for adjustment of the basic rate, according to the quantity shipped? What principles should govern the gradation of the quantities and rates in such cases?

> Consideration should be given in the informal conference as to the mode and manner in which these subjects can best be developed at the formal hearings. It is, of course, not the thought that any decision can be reached upon the questions themselves, or others which will suggest themselves, upon the basis of the informal conference.

> 5. With respect to the procedure, it is desirable to come to some understanding. if possible, and after a full exchange of views, with respect to the time and places for hearings, whether parties in interest can so organize that they will be able to simplify and consolidate their presentations as far as possible; to reach an understanding as to the steps which are feasible for a limitation of the number of witnesses, the distribution to the parties of proposed exhibits and of prepared statements of fact; and of the matters within the files of the Commission or other public documents which may be made available for the record without formal proof.

> It should be emphasized that the prehearing conference contemplated must be conducted in an atmosphere of complete candor and freedom of expression, with the intent on the part of all concerned to endeavor to simplify and shorten a proceeding which will, at the very best, be long and laborious. All concerned should enter the conference with the express understanding that neither can they take advantage of the fact that a statement or concession is made by any other party, either in this or in any other proceeding before the Commission or elsewhere, nor that any advantage can be taken by such other parties of anything which they may say. In other words, the conference, being in the way of peace, is to be regarded as privileged. An exception must be recognized where the basis for a stipulation is reached. A record will be made for the convenience of the Commission and the parties, but only for that purpose. and the ultimate decision of the Commission will, as the law requires, be based upon the record developed in the open hearings.

As it is probable not all who would desire to participate in such a conference can attend, the Commission will receive informally, under like conditions with those mentioned in the preceding paragraph, any written communications upon these subjects, which should be prepared in the form outlined in Rule XXI of the Rules of Practice, and filed with the Com-<sup>1</sup> Filed as a part of the original document. | mission not later than three days before

sirable that 20 copies be furnished for the use of the Commission, and 50 copies for the use of other parties and interested persons.

The conference will be held at the Hotel Morrison, Chicago, Illinois, commencing at 10:00 a. m., October 28, 1940.

By the Commission, Division Two. [SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 40-4030; Filed, September 26, 1940; 12 m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 70-139]

IN THE MATTER OF OGDEN CORPORATION ORDER GRANTING APPLICATION PURSUANT TO RULE U-8

on the 25th day of September, A. D. 1940.

The above named party having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (b) thereof, and Rule U-12B-1 promulgated thereunder regarding an advance of \$5,000 on open account without interest to its subsidiary, Central States Utilities Corporation.

Said declaration having been filed on August 16, 1940, and an amendment thereto having been filed on September 17, 1940, and notice of said filing having been duly given in the form and manner prescribed by Rule U-8 promulgated pursuant to said Act, and the Commission not having received a request for hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

At a regular session of the Securities The above named party having read Exchange Commission held at its quested that said declaration, as [F. R. Doc. 40-4022; Filed, September 26, 1940; 11:12 a. m.]

the date set for the conference. It is de- office in the City of Washington, D. C., amended, become effective on or before September 30, 1940; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the said declaration pursuant to Rule U-12B-1 to become effective, and being satisfied that the effective date of such declaration, as amended, should be advanced:

It is hereby ordered, Pursuant to said Rule U-8 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-9, that the aforesaid declaration, as amended, be and hereby is permitted to become effective at 4:30 P. M., E. S. T., on September 25, 1940.

By the Commission, Commissioners Henderson and Healy, being absent, did not participate.

FRANCIS P. BRASSOR, [SEAL] Secretary.

11:12 a. m.]